



UNITED STATES PATENT AND TRADEMARK OFFICE

Ab
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,933	07/05/2001	Shohei Takeda	862.C2308	1844

5514 7590 08/30/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

[REDACTED] EXAMINER

DINH, TUAN T

ART UNIT	PAPER NUMBER
2827	

DATE MAILED: 08/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	SHOHEI TAKEDA
Examiner	Art Unit
Tuan T Dinh	2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-3 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 5-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

- 4) Interview Summary (PTO-413) Paper No(s) _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a resilient body", claim 1, line 4, and claim 9, line 5 and "shield member...is attached in electrical connection to said shield box" claims 1, 5, lines 5-6, and claim 9, lines 5-7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Nowhere in the drawings show "the shield member is attached in electrical connection to the shield box"

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification is

silent regarding "said shield box is formed to have a plurality of protrusions", claim 5, line 8.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3, 5-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 4, it is confuse. The phrase of "a shield member formed from a resilient body and, which is disposed

Regarding claims 1, 5, lines 5-8, and claim 9, lines 7-9, it is unclear. The phrase of "a shield member...is attached in electrical connection in said shield box" is not understood. Is there any structure to shown "any electrical device or circuitries" to provide the shield member attaching in electrical connection to the shield box?

Regarding claim 5, lines 10-11, it is confuse. Does applicant meant that "a shield plate is formed to have a plurality of protrusions?"

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Admitted by applicant) in view of Maeda (U. S. Patent 6,301,125).

As best understood to claims 1 and 5, PA discloses an emitted-radio-wave shield as shown in figure 5 comprising:

a shield box (201) housing a circuit board (202);
a shield plate (203) removably secured to said shield box (201); and
a shield member (204) formed from a resilient body, which is disposed at a joint between said shield box (201) and said shield plate (203) and is connected with said shield box.

PA does not teach said shield plate is formed to have a plurality of protrusions, which project toward and contact said shield member.

Maeda shows a shield plate (12, column 2, lines 18-19) disclosed in figure 1 having a plurality of protrusion (16a, 16b, column 2, line 23) with project toward and contact a shield member (18a, 18b).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use protrusions of a shield plate as taught by Maeda to employ the shield of PA in order prevent against EMI or RFI leakage from a shield box.

As to claims 2-3, and 6-7, Maeda discloses the shield as shown in figures 2 wherein said plurality of protrusions are formed on said shield plate at regular intervals, but not shows said regular interval is 60 mm or less.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a distance of an interval between two protrusions in order to accurate making contact to a shield box, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.3d 172, 205 USPQ 215 (CCPA 1980).

As to claim 8, PA discloses the shield as shown in figure 5 wherein said shield members (204) are resilient bodies.

As to claim 13, PA discloses an image forming apparatus using the emitted-radio-wave shield as shown in figure 5 wherein said circuit board (202) inherently is an image processing circuit board for converting an image to an electric signal and then processing the image.

As to claim 14, PA discloses the shield as shown in figure 5 wherein said shield box (201) has a locking means (hole 201c), and said shield plate (203) has a locking portion (screw 210 and through-hole) to be locked to said locking means.

Allowable Subject Matter

8. Claims 9-12 are allowed.

The following is an examiner's statement of reasons for allowance:

The references cited do not teach or suggest an emitted radio wave shield comprising one edge of a shield plate is formed to have projections and a flange is formed to have through-holes for mating with respective one of the projections; and an edge of the shield plate opposite said one edge is formed to have a locking portion for locking engagement with a locking means of a shield box.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments with respect to claims 1-3, and 5-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oslund et al., Ma et al., and McMiller et al. disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Application/Control Number: 09/897,933
Art Unit: 2827

Page 8

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
August 27, 2002.



DAVID L. TALBOTT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800